

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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Conservation Law Foundation, Inc.,	)	
	)	Case No. 1:24-cv-11766-RGS
Plaintiff,	)	
	)	<b>AMENDED COMPLAINT FOR</b>
v.	)	<b>DECLARATORY AND INJUNCTIVE</b>
	)	<b>RELIEF AND CIVIL PENALTIES</b>
Chelsea Sandwich LLC and Global	)	
Companies LLC,	)	
	)	
Defendants.	)	
_____	)	

**INTRODUCTION**

1. This is a citizen suit brought by Plaintiff, Conservation Law Foundation, Inc. (“Plaintiff” or “CLF”), on behalf of its individual members, under Section 505 of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA,”), 33 U.S.C. § 1365(a), to address Clean Water Act violations at two oil terminals: (1) the Chelsea Sandwich Petroleum Storage Facility, located at 11 Broadway, Chelsea, MA 02150 (the “Chelsea Sandwich Terminal”); and (2) the “Global Revere Terminal” located at 140 Lee Burbank Highway, Revere, MA 02151 (collectively, the “Terminals”).

2. On July 9, 2024, CLF filed its Complaint against Global. ECF No. 1.

3. On July 9, 2024, the Terminals were owned and operated by Chelsea Sandwich LLC (“Chelsea Sandwich”) and Global Companies LLC (“Global Companies”), and/or their agents and directors (collectively, “Global” or “Defendants”).

4. On July 9, 2024, Global was discharging pollutants including polycyclic aromatic

hydrocarbons (“PAHs”) and heavy metals from these two Terminals into Chelsea River (also known as Chelsea Creek).

5. Global continues to discharge pollutants from the Chelsea Sandwich Terminal into Chelsea River.

6. Global operates the Chelsea Sandwich Terminal subject to National Pollutant Discharge Elimination System (“NPDES”) Permit No. MA0003280, which took effect December 1, 2022 (the “2022 Chelsea Permit”).

7. Global operated the Chelsea Sandwich Terminal from September 24, 2014 to November 30, 2022 subject to NPDES Permit No. MA0003280 (“the 2014 Chelsea Permit”).

8. On July 9, 2024, Global Companies was operating the Global Revere Terminal subject to NPDES Permit No. MA0000825, which took effect December 1, 2022 (the “2022 Revere Permit”).

9. Global Companies operated the portion of the Global Revere Terminal formerly named Global South from September 24, 2014 to November 30, 2022 subject to NPDES Permit No. MA0000825 (the “2014 Global South Permit”).

10. Global Companies operated the portion of the Global Revere Terminal formerly named Global Petroleum Terminal from September 24, 2014 to November 30, 2022 subject to NPDES Permit No. MA0003425 (the “2014 Global Petroleum Permit”).

11. Global has discharged and continues to discharge effluent into waters of the United States in violation of the 2022 Chelsea Permit, the 2014 Chelsea Permit, the 2022 Revere Permit, the 2014 Global South Permit, and the 2014 Global Petroleum Permit (collectively, the “NPDES Permits” or the “Permits”): (1) by violating the Permits’ effluent limitations for pollutants

including polycyclic aromatic hydrocarbons (“PAHs”), heavy metals, ammonia, benzene, chlorine, pH, total petroleum hydrocarbons (“TPH”), and total suspended solids (“TSS”); (2) by violating the Permits’ narrative effluent limitations relating to control measures; and (3) by violating the Permits’ monitoring and reporting requirements.

12. CLF seeks declaratory judgment, injunctive relief, and other relief with respect to the Defendants’ violations of their NPDES permits, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and applicable regulations.

### **JURISDICTION AND VENUE**

13. Plaintiff brings this civil suit under the citizen suit provision of Section 505 of the Clean Water Act, 33 U.S.C. § 1365.

14. This Court has subject matter jurisdiction over the parties and this action pursuant to Section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1); 28 U.S.C. § 1331 (an action arising under the Constitution and laws of the United States); and 28 U.S.C. §§ 2201 and 2202 (declaratory judgment).

15. On May 9, 2024, Plaintiff notified Global and its agents of its intention to file suit for violations of the Clean Water Act, in compliance with the statutory notice requirements of Section 505(b)(1)(A) of the Clean Water Act, 33 U.S.C. § 1365(b)(1)(A), and the corresponding regulations located at 40 C.F.R. § 135.2.

16. A true and accurate copy of Plaintiff’s Notice Letter (“Notice Letter”) is appended as Exhibit 1. The Notice Letter is incorporated by reference herein.

17. Each Defendant received the Notice Letter. A copy of each return receipt is attached as Exhibit 2.

18. Plaintiff also sent copies of the Notice Letter to the Administrator of the United States Environmental Protection Agency (“U.S. EPA”), the Acting Regional Administrator of U.S. EPA Region 1, the Citizen Suit Coordinator, the Massachusetts Department of Environmental Protection (“MassDEP”), and Global’s counsel.

19. Each of the addressees identified in the preceding paragraph received the Notice Letter. A copy of each return receipt is attached as Exhibit 3.

20. More than sixty days have elapsed since Plaintiff mailed its Notice Letter, during which time neither U.S. EPA nor the Commonwealth of Massachusetts has commenced an action to redress the violations alleged in this Complaint. 33 U.S.C. § 1365(b)(1)(B).

21. The Clean Water Act violations alleged in the Notice Letter relating to the Chelsea Sandwich Terminal are of a continuing nature, ongoing, or reasonably likely to re-occur. The Defendants remain in violation of the Clean Water Act at the Chelsea Sandwich Terminal.

22. On July 9, 2024, the date this suit was initiated, the Clean Water Act violations alleged in the Notice Letter relating to the Global Revere Terminal were of a continuing nature, ongoing, or reasonably likely to re-occur. On July 9, 2024, the Defendants remained in violation of the Clean Water Act at the Global Revere Terminal.

23. Venue is proper in the United States District Court for the District of Massachusetts pursuant to Section 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1), because the sources of the violations are located within this judicial district.

### **PARTIES**

#### **Plaintiff**

24. Plaintiff CLF is a nonprofit, member-supported, regional environmental advocacy

organization dedicated to protecting New England's environment.

25. CLF has a long history of working to protect the health of New England's water resources, including addressing sources of industrial stormwater pollution.

26. CLF has over 5,958 members, including over 3,088 members in Massachusetts. CLF's members use and enjoy the waters of Massachusetts, including the Chelsea River, for recreational and aesthetic purposes, including but not limited to boating, swimming, fishing, and observing wildlife.

27. CLF's members include individuals who live and spend time near and on the Chelsea River. CLF's members have used and enjoyed the Chelsea River near Defendants' Terminals for recreational purposes, including kayaking, fishing, and observing birds and other wildlife, as well as for aesthetic purposes. CLF's members also regularly enjoy looking out over Chelsea River and observing birds and wildlife in and near Mary O'Malley State Park and the Condor Street Urban Wild, which are next to Defendants' Chelsea Sandwich Terminal.

28. CLF's members include individuals who have been and continue to be directly and adversely affected by the degradation of water quality in the Chelsea River.

#### Defendants

29. Defendant Chelsea Sandwich is a limited liability company incorporated under the laws of Delaware.

30. Chelsea Sandwich operates the Chelsea Sandwich Terminal and has operated it since at least 2019.

31. Chelsea Sandwich is responsible for ensuring that the Chelsea Sandwich Terminal operates in compliance with the Clean Water Act.

32. Defendant Global Companies is a limited liability company incorporated under the laws of Delaware.

33. Defendant Global Companies participates in and exercises control over the Chelsea Sandwich Terminal.

34. Defendant Global Companies is liable for the Clean Water Act violations at the Chelsea Sandwich Terminal.

35. On July 9, 2024, Global Companies operated the Global Revere Terminal and had operated it since at least 2019.

36. On July 9, 2024, Global Companies was responsible for ensuring that the Global Revere Terminal operated in compliance with the Clean Water Act.

37. Defendants Chelsea Sandwich and Global Companies are persons as defined by Section 502(5) of the Clean Water Act, 33 U.S.C. 1362(5).

### **STATUTORY AND REGULATORY BACKGROUND**

#### **The Clean Water Act and the NPDES Program**

38. The objective of the Clean Water Act is “to restore and maintain the chemical, physical and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a) (1972).

39. The Clean Water Act prohibits the addition of any pollutant to navigable waters from any point source except as authorized by a National Pollutant Discharge Elimination System (“NPDES”) permit applicable to that point source. 33 U.S.C. §§ 1311(a) and 1342.

40. Under the Clean Water Act’s implementing regulations, the “discharge of a pollutant” is defined as “[a]ny addition of any ‘pollutant’ or combination of pollutants to ‘waters of the United States’ from any ‘point source.’” 40 C.F.R. § 122.2; *see also* 33 U.S.C. § 1362(12).

41. A “pollutant” is any “solid waste,” “chemical wastes, biological materials,” “rock, sand,” and “industrial . . . waste” discharged into water. 33 U.S.C. § 1362(6).

42. The Clean Water Act defines navigable waters as “the waters of the United States, including the territorial seas.” 33 U.S.C. § 1362(7). “Waters of the United States” are defined by U.S. EPA regulations to include, *inter alia*, all tributaries to interstate waters. See 40 C.F.R. § 122.2.

43. “Point source” is defined broadly to include, “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, [or] conduit . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

44. U.S. EPA may issue a NPDES permit for the discharge of any pollutant or combination of pollutants into navigable waters upon the condition that such discharge will meet the requirements of the CWA and any conditions set by U.S. EPA. 33 U.S.C. § 1342(a)(1), (4).

45. In order to lawfully discharge pollutants, dischargers must obtain coverage under a NPDES permit and comply with its terms. 33 U.S.C. §§ 1311(a), 33 U.S.C. § 1342(a).

46. The 2022 Chelsea Permit, the 2014 Chelsea Permit, the 2022 Global Petroleum Permit, the 2014 Global South Permit, and the 2014 Global Petroleum Permit are all NPDES Permits issued by U.S. EPA pursuant to Sections 402(a) of the CWA. 33 U.S.C. § 1342(a).

47. The NPDES permit program established by the CWA furthers the goal to restore the “chemical, physical, and biological integrity of the Nation’s waters” by, among other things, eliminating discharges of pollutants into navigable waters, prohibiting discharge of toxic pollutants, protecting fish, shellfish, and wildlife, and providing for recreation. 33 U.S.C. § 1251.

48. NPDES permits for pollutants establish effluent and narrative limitations to control

discharges of pollutants to receiving waters.

49. NPDES permits incorporate state water quality standards for all affected states. 40 C.F.R. § 122.44(d).

50. Section 303(d) of the CWA requires each state to “identify those waters within its boundaries for which the effluent limitations required by [the CWA] are not stringent enough to implement any water quality standard applicable to such waters.” 33 U.S.C. § 1313(d)(1)(A). States must establish a priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters, and submit the list to U.S. EPA (the 303(d) list). 33 U.S.C. § 1313(d)(1)(B); (d)(2).

#### Citizen Enforcement Suits Under the Clean Water Act

51. The Clean Water Act authorizes citizen enforcement actions “against any person . . . who is alleged to be in violation of . . . an effluent standard or limitation . . . or an order issued by the Administrator or a State with respect to such a standard or limitation.” 33 U.S.C. § 1365(a)(1).

52. An “effluent limitation” is “any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance.” 33 U.S.C. § 1362(11).

53. Such enforcement action under Section 505(a)(1) of the Clean Water Act includes an action seeking remedies for unauthorized discharges under Section 301 of the Clean Water Act, 33 U.S.C. § 1311, as well as for violations of a permit condition under Section 505(f), 33 U.S.C. § 1365(a)(1), (f).

54. Each separate violation of the Clean Water Act subjects the violator to a penalty of up to



\$66,712 per day, the maximum amount allowed pursuant to Sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C. §§ 1319(d), 1365(a). *See also* 40 C.F.R. §§ 19.1–19.4.

### **FACTUAL BACKGROUND**

#### **The Terminals' NPDES Permits**

55. Defendants are required to comply with the requirements of the 2022 Chelsea Permit and have been required to do so since December 1, 2022.

56. On July 9, 2024, Global Companies was required to comply with the requirements of the 2022 Revere Permit and had been required to do so since December 1, 2022.

57. Defendants were required to comply with the requirements of the 2014 Chelsea Permit from September 24, 2014 to November 30, 2022.

58. Global Companies was required to comply with the requirements of the 2014 Global South Permit and the 2014 Global Petroleum Permit from September 24, 2014 to November 30, 2022.

59. Pollutants from the Chelsea Sandwich Terminal travel through internal Outfall 002 and are discharged into Chelsea River via Outfall 001.

60. On July 9, 2024, Pollutants from the Global Revere Terminal travelled through internal Outfall 003 and were discharged into Chelsea River via Outfalls 001 and 002.

61. Outfall 001 at the Chelsea Sandwich Terminal is a “point source” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362(14).

62. On July 9, 2024, Outfalls 001 and 002 at the Global Revere Terminals were “point source[s]” within the meaning of Section 502 of the CWA, 33 U.S.C. § 1362(14).

The Chelsea River

63. The Chelsea Sandwich Terminal discharges pollutants into the Chelsea River (Waterbody ID: MA71-06).
64. On July 9, 2024, the Global Revere Terminal discharged pollutants into the Chelsea River (Waterbody ID: MA71-06).
65. Chelsea River is designated by the Massachusetts Department of Environmental Protection (“MassDEP”) as a Class SB waterbody pursuant to 314 CMR 4.06(1), 314 CMR 4.06(2), 4.06(6)(b).
66. The Chelsea River is a navigable water within the meaning of the Clean Water Act. 33 U.S.C. § 1362(7); 40 C.F.R. § 120.2(a).
67. The Chelsea Rivers’ designated uses include aesthetic use; fish consumption; fish, other aquatic life and wildlife; primary contact recreation; secondary contact recreation; and shellfish harvesting.
68. Chelsea River (Waterbody ID: MA71-06) was listed as impaired on the 2022 303(d) list for all its designated uses, including aquatic life from ammonia and petroleum hydrocarbons; primary and secondary contact recreation and aesthetic use from debris, odor, petroleum hydrocarbons, trash, and turbidity; fish consumption from PCBs in fish tissue; and shellfish harvesting from fecal coliform.
69. Chelsea River (Waterbody ID: MA71-06) was listed on the 2016 and 2020 303(d) list as impaired for all of its designated uses due to debris, ammonia, fecal coliform, odor, PCBs in fish tissue, petroleum hydrocarbons, trash, and turbidity.
70. According to the 2022, 2020, and 2016 U.S. EPA Waterbody Reports for the Chelsea

River, probable sources contributing to the impairment of Chelsea River include above-ground storage tank leaks from tank farms, accidental releases or spills, contaminated sediments, and industrial point source discharges.

71. In 2018, MassDEP prepared a Total Maximum Daily Load (“TMDL”) Analysis for the Boston Harbor, Weymouth-Weir, and Mystic Watersheds, which includes the Chelsea River, addressing enterococcus, *E. coli*, and fecal coliform.

72. According to the TMDL Report, primary contact recreation, secondary contact recreation, and aesthetics are impaired in part because of petroleum releases and spills to the Chelsea River. U.S. EPA, Final Pathogen TMDL for the Boston Harbor, Weymouth-Weir, and Mystic Watersheds (October 2018) at 48.

#### The Terminals and Their Operations and Discharges

73. Defendants have operated and continue to operate a petroleum storage facility at 11 Broadway, Chelsea, MA 02150 (the “Chelsea Sandwich Terminal”).

74. The Chelsea Sandwich Terminal receives deliveries of bulk quantities of petroleum products (including gasoline, diesel, heating oil, ethanol, and/or fuel additives) via ship, barge, or tanker truck.

75. Petroleum products are piped into and stored in aboveground storage tanks at the Chelsea Sandwich Terminal’s tank farms.

76. The Chelsea Sandwich Terminal can store around 28 million gallons of petroleum products.

77. The stored petroleum products are distributed from above-ground storage tanks at the Chelsea Sandwich Terminal to tanker trucks at truck loading racks or to vessels.

78. Defendants operate a groundwater treatment system at the Chelsea Sandwich Terminal to remediate groundwater contaminated by fuel oil from a historic spill.
79. Contaminated groundwater at the Chelsea Sandwich Terminal is pumped from recovery wells to a treatment system and then discharged through Outfall 001 into Chelsea River.
80. The Chelsea Sandwich Terminal discharges boiler blowdown and steam condensate from the boilers used to heat buildings on-site.
81. Boiler blowdown is water with high mineral salt concentrations that is withdrawn daily from a boiler as part of maintenance. It contains pollutants, including metals and any water softeners added to the boiler.
82. The boiler blowdown is discharged from the Chelsea Sandwich Terminal through Outfall 001 into Chelsea River.
83. The Chelsea Sandwich Terminal periodically tests its storage tanks and pipes for leaks by filling them with high-pressure water and monitoring pressure drops over time (hydrostatic testing).
84. Following hydrostatic testing, the Chelsea Sandwich Terminal discharges the treated hydrostatic test water, containing pollutants including hydrocarbons and residual chlorine, into the Chelsea River.
85. Defendants discharge treated groundwater, boiler blowdown, hydrostatic test water, and/or stormwater from the Chelsea Sandwich Terminal directly into Chelsea River.
86. During every measurable precipitation event and instance of snowmelt, water flows onto and over exposed materials and accumulated pollutants at the Chelsea Sandwich Terminal, generating stormwater runoff.

87. U.S. EPA considers precipitation above 0.1 inches a measurable precipitation event. 40 C.F.R. § 122.26(c)(i)(E)(6).

88. Upon information and belief, a measurable precipitation event is sufficient to generate runoff from the Chelsea Sandwich Terminal.

89. Catch basins and drains across the Chelsea Sandwich Terminal, including at the tank farms and under the truck loading racks, collect stormwater runoff.

90. The runoff from the Chelsea Sandwich Terminal is visually inspected for oil sheen. If no sheen is detected, the runoff is released into the stormwater conveyance system, passed through an oil/water separator, and then discharged into the Chelsea River.

91. On July 9, 2024, Global Companies operated a petroleum storage facility at 140 Lee Burbank Highway, Revere, MA 02151 (the “Global Revere Terminal”).

92. The Global Revere Terminal received deliveries of bulk quantities of petroleum products (including gasoline, diesel, heating oil, ethanol, and/or fuel additives) via ship, barge, or tanker truck.

93. Petroleum products were piped into and stored in aboveground storage tanks at the Global Revere Terminal’s tank farms.

94. The petroleum products at the Global Revere Terminal were blended with additives at the truck loading site.

95. The Global Revere Terminal could store around 35 million gallons of petroleum products.

96. The stored petroleum products were distributed from above-ground storage tanks at the Global Revere Terminal to tanker trucks at truck loading racks or to vessels.

97. The Global Revere Terminal periodically tested its storage tanks and pipes for leaks by filling them with high-pressure water and monitoring pressure drops over time (hydrostatic testing).

98. Following hydrostatic testing, the Global Revere Terminal discharged the treated hydrostatic test water, containing pollutants including hydrocarbons and residual chlorine, into the Chelsea River.

99. Global Companies discharged treated groundwater, boiler blowdown, hydrostatic test water, and/or stormwater from the Global Revere Terminal directly into Chelsea River.

100. At the Global Revere Terminal, contaminated groundwater that had infiltrated the system was treated, sampled at Outfall 003, and then discharged through Outfall 002 into the Chelsea River.

101. During every measurable precipitation event and instance of snowmelt, water flowed onto and over exposed materials and accumulated pollutants at the Global Revere Terminal, generating stormwater runoff.

102. Upon information and belief, a measurable precipitation event was sufficient to generate runoff from the Global Revere Terminal.

103. Catch basins and drains across the Global Revere Terminal, including at the tank farms and under the truck loading racks, collected stormwater runoff.

104. The runoff from the Global Revere Terminal was visually inspected for oil sheen. If no sheen was detected, the runoff was released into the stormwater conveyance system, passed through an oil/water separator, and then discharged into the Chelsea River.

**DEFENDANTS' VIOLATIONS OF THE CLEAN WATER ACT**

**Numeric Effluent Violations**

105. The NPDES Permits place limitations on the quantities and concentrations of pollutants that Global is legally permitted to discharge into Chelsea River from the Terminals' outfalls by setting numeric effluent limitations for pollutants including PAHs, heavy metals, chlorine, ammonia, and TSS.

106. The Terminals have discharged, and continue to discharge, pollutants (including but not limited to PAHs, heavy metals, chlorine, TSS, petroleum hydrocarbons, acidic effluent, ammonia, and benzene) that have contributed to, and will continue to contribute to, degradation of the Chelsea River.

*Defendants' violations of the Permits' effluent limitations for polycyclic aromatic hydrocarbons (PAHs)*

107. Global discharges PAHs from the Chelsea Sandwich Terminal into the Chelsea River.

108. On July 9, 2024, Global Companies was discharging PAHs from the Global Revere Terminal into the Chelsea River.

109. PAHs are toxic carcinogenic compounds created by the incomplete burning of oil, gas, coal, and other organic substances. PAHs persist in the environment, bioaccumulate in fish and other aquatic life, build up in sediment, and enter the air as aerosols.

110. PAHs can bioconcentrate in fish and shellfish by a factor of up to 100,000. When people are exposed to PAHs (by eating contaminated fish, swimming in polluted water, or breathing it in), it can cause developmental issues and damage to the lungs, stomach, kidneys, liver, and skin. PAHs bound to suspended solids and bioaccumulated in the bodies of contaminated fish can

travel long distances from the discharge site – spreading toxic pollutants many miles.

111. PAHs are a class of hundreds of compounds which includes benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene (Group I PAHs); as well as acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, naphthalene, phenanthrene, and pyrene (Group II PAHs).

112. The 2022 Chelsea Permit and the 2022 Revere Permit include the following monthly average numeric effluent limitations for PAHs: 0.0013 µg/L for benzo(a)anthracene, benzo(b)fluoranthene, and indeno(1,2,3-cd)pyrene; 0.00013 µg/L for benzo(a)pyrene and dibenzo(a,h)anthracene; and 0.013 µg/L for benzo(k)fluoranthene.

113. The 2022 Chelsea Permit includes a monthly average numeric effluent limitation of 0.13 µg/L for chrysene.

114. In the 2022 Chelsea Permit and the 2022 Revere Permit, U.S. EPA states that the expected minimum level (“ML”) for benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, and chrysene is 0.05 µg/L.

115. In the 2022 Chelsea Permit and the 2022 Revere Permit (collectively, the “2022 Permits”), U.S. EPA states that the expected minimum level for dibenzo(a,h)anthracene and indeno(1,2,3-cd)pyrene is 0.1 µg/L.

116. For any PAHs with a numeric effluent limit smaller than the minimum level, the 2022 Permits set a compliance level of non-detect.

117. Any detectable discharge of PAHs and/or any discharge of PAHs which is above the actual minimum level as reported on Global’s DMRs is a violation of the 2022 Permits.



118. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least 37 violations of the monthly average effluent limits for PAHs in the 2022 Chelsea Permit, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
119.	Benzo(a)pyrene	3/31/2025	001	0.00013 µg/L	0.138 µg/L	106,154%
120.	Benzo(b)fluoranthene	3/31/2025	001	0.0013 µg/L	0.318 µg/L	24,462%
121.	Benzo(a)anthracene	3/31/2025	001	0.0013 µg/L	0.113 µg/L	8,692%
122.	Indeno(1,2,3-cd)pyrene	3/31/2025	001	0.0013 µg/L	0.119 µg/L	9,154%
123.	Benzo(k)fluoranthene	3/31/2025	001	0.013 µg/L	0.0961 µg/L	739%
124.	Chrysene	3/31/2025	001	0.13 µg/L	0.186 µg/L	143%
125.	Benzo(a)pyrene	2/28/2025	001	0.00013 µg/L	0.0534 µg/L	41,077%
126.	Benzo(b)fluoranthene	2/28/2025	001	0.0013 µg/L	0.0721 µg/L	5,546%
127.	Benzo(a)anthracene	2/28/2025	001	0.0013 µg/L	0.0636 µg/L	4,892%
128.	Benzo(a)pyrene	1/31/2025	001	0.00013 µg/L	0.153 µg/L	117,692%
129.	Benzo(a)anthracene	1/31/2025	001	0.0013 µg/L	0.148 µg/L	11,384%
130.	Benzo(b)fluoranthene	1/31/2025	001	0.0013 µg/L	0.0666 µg/L	5,123%
131.	Benzo(b)fluoranthene	10/31/2024	001	0.0013 µg/L	0.0682 µg/L	5,246%
132.	Benzo(a)anthracene	10/31/2024	001	0.0013 µg/L	0.0641 µg/L	4,931%
133.	Benzo(a)anthracene	8/31/2024	001	0.0013 µg/L	0.0565 µg/L	4,346%
134.	Benzo(k)fluoranthene	4/30/2024	001	0.013 µg/L	0.0671 µg/L	516%
135.	Benzo(b)fluoranthene	4/30/2024	001	0.0013 µg/L	0.117 µg/L	9,000%
136.	Benzo(a)pyrene	4/30/2024	001	0.00013 µg/L	0.0678 µg/L	52,154%
137.	Benzo(a)anthracene	2/29/2024	001	0.0013 µg/L	0.048 µg/L <sup>1</sup>	3,692%

<sup>1</sup> Global self-reported a ML of 0.0463 for this pollutant during the 2/29/2024 reporting period.

138.	Benzo(b)fluoranthene	2/29/2024	001	0.0013 µg/L	0.105 µg/L	8,077%
139.	Indeno(1,2,3-cd)pyrene	2/29/2024	001	0.0013 µg/L	0.0587 µg/L <sup>2</sup>	4,515%
140.	Benzo(a)anthracene	1/31/2024	001	0.0013 µg/L	0.127 µg/L	9,769%
141.	Benzo(a)anthracene	12/31/2023	001	0.0013 µg/L	0.0711 µg/L	5,469%
142.	Benzo(a)pyrene	12/31/2023	001	0.00013 µg/L	0.12 µg/L	92,308%
143.	Benzo(b)fluoranthene	12/31/2023	001	0.0013 µg/L	0.182 µg/L	14,000%
144.	Benzo(k)fluoranthene	12/31/2023	001	0.013 µg/L	0.0937 µg/L	721%
145.	Chrysene	12/31/2023	001	0.13 µg/L	0.151 µg/L	116%
146.	Indeno(1,2,3-cd)pyrene	12/31/2023	001	0.0013 µg/L	0.122 µg/L	9,385%
147.	Benzo(a)anthracene	10/31/2023	001	0.0013 µg/L	0.0489 µg/L <sup>3</sup>	3,762%
148.	Benzo(a)pyrene	10/31/2023	001	0.00013 µg/L	0.0526 µg/L	40,462%
149.	Benzo(b)fluoranthene	10/31/2023	001	0.0013 µg/L	0.0531 µg/L	4,085%
150.	Benzo(a)pyrene	9/30/2023	001	0.00013 µg/L	0.0533 µg/L	41,000%
151.	Benzo(b)fluoranthene	9/30/2023	001	0.0013 µg/L	0.0597 µg/L	4,592%
152.	Benzo(a)anthracene	6/30/2023	001	0.0013 µg/L	0.0623 µg/L	4,792%
153.	Benzo(b)fluoranthene	6/30/2023	001	0.0013 µg/L	0.058 µg/L	4,462%
154.	Benzo(b)fluoranthene	3/31/2023	001	0.0013 µg/L	0.0517 µg/L	3,977%
155.	Benzo(b)fluoranthene	1/31/2023	001	0.0013 µg/L	0.061 µg/L	4,692%

156. Since 2023, Global Companies' monitoring data for the Global Revere Terminal has revealed at least 32 violations of the monthly average effluent limits for PAHs in the 2022 Revere Permit, as detailed in the below table.

<sup>2</sup> Global self-reported a ML of 0.0463 for this pollutant during the 2/29/2024 reporting period.

<sup>3</sup> Global self-reported a ML of 0.0463 for this pollutant during the 10/31/2023 reporting period.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
157.	Benzo(b)fluoranthene	8/31/2024	002	0.0013 µg/L	0.0522 µg/L	4,015%
158.	Benzo(b)fluoranthene	7/31/2024	002	0.0013 µg/L	0.0707 µg/L	5,438%
159.	Benzo(a)pyrene	7/31/2024	002	0.00013 µg/L	0.0546 µg/L	42,000%
160.	Benzo(a)pyrene	6/30/2024	002	0.00013 µg/L	0.0518 µg/L	39,846%
161.	Benzo(a)anthracene	3/31/2024	002	0.0013 µg/L	1.255 µg/L	96,538%
162.	Benzo(a)pyrene	3/31/2024	002	0.00013 µg/L	1.82 µg/L	1,400,000%
163.	Benzo(b)fluoranthene	3/31/2024	002	0.0013 µg/L	3.445 µg/L	265,000%
164.	Benzo(k)fluoranthene	3/31/2024	002	0.013 µg/L	1.4 µg/L	10,769%
165.	Dibenzo(a,h)-anthracene	3/31/2024	002	0.00013 µg/L	0.57 µg/L	438,462%
166.	Indeno(1,2,3-cd)pyrene	3/31/2024	002	0.0013 µg/L	1.86 µg/L	143,077%
167.	Benzo(a)anthracene	1/31/2024	002	0.0013 µg/L	0.0717 µg/L	5,515%
168.	Benzo(a)pyrene	1/31/2024	002	0.00013 µg/L	0.112 µg/L	86,154%
169.	Benzo(b)fluoranthene	1/31/2024	002	0.0013 µg/L	0.226 µg/L	17,385%
170.	Benzo(k)fluoranthene	1/31/2024	002	0.013 µg/L	0.085 µg/L	654%
171.	Indeno(1,2,3-cd)pyrene	1/31/2024	002	0.0013 µg/L	0.102 µg/L	7,846%
172.	Benzo(a)anthracene	12/31/2023	002	0.0013 µg/L	0.0592 µg/L	4,554%
173.	Benzo(a)pyrene	12/31/2023	002	0.00013 µg/L	0.0731 µg/L	56,231%
174.	Benzo(b)fluoranthene	12/31/2023	002	0.0013 µg/L	0.0981 µg/L	7,546%
175.	Benzo(k)fluoranthene	12/31/2023	002	0.013 µg/L	0.0694 µg/L	534%
176.	Indeno(1,2,3-cd)pyrene	12/31/2023	002	0.0013 µg/L	0.0684 µg/L	5,262%
177.	Benzo(a)pyrene	9/30/2023	002	0.00013 µg/L	0.0572 µg/L	44,000%
178.	Benzo(b)fluoranthene	9/30/2023	002	0.0013 µg/L	0.0664 µg/L	5,108%
179.	Dibenzo(a,h)-anthracene	9/30/2023	002	0.00013 µg/L	0.0651 µg/L	50,077%
180.	Indeno(1,2,3-cd)pyrene	9/30/2023	002	0.0013 µg/L	0.07 µg/L	5,385%
181.	Benzo(a)anthracene	3/31/2023	001	0.0013 µg/L	0.0517 µg/L	3,977%
182.	Benzo(b)fluoranthene	3/31/2023	001	0.0013 µg/L	0.0681 µg/L	5,238%
183.	Benzo(b)fluoranthene	3/31/2023	002	0.0013 µg/L	0.0521 µg/L	4,008%
184.	Benzo(a)anthracene	2/28/2023	002	0.0013 µg/L	0.091 µg/L	7,000%

185.	Benzo(a)pyrene	2/28/2023	002	0.00013 µg/L	0.0799 µg/L	61,462%
186.	Benzo(b)fluoranthene	2/28/2023	002	0.0013 µg/L	0.223 µg/L	17,154%
187.	Benzo(k)fluoranthene	2/28/2023	002	0.013 µg/L	0.0747 µg/L	575%
188.	Indeno(1,2,3-cd)pyrene	2/28/2023	002	0.0013 µg/L	0.105 µg/L	8,077%

*Defendants' violations of the Permits' effluent limitations for heavy metals*

189. Global discharges copper, iron, and zinc from the Chelsea Sandwich Terminal into the Chelsea River.

190. On July 9, 2024, Global Companies was discharging copper, iron, and zinc from the Global Revere Terminal into the Chelsea River.

191. Copper, iron, and zinc are toxic, endanger human and animal health, and imperil aquatic ecosystems. Exposure to metals in drinking water can cause serious health issues. Copper and zinc bioaccumulate throughout the food chain, endangering predator species.

192. The 2022 Permits include the following daily maximum numeric effluent limitations for metals: 5.8 µg/L for copper; and 95.1 µg/L for zinc.

193. The 2022 Revere Permit includes a daily maximum numeric effluent limitation for iron of 300 µg/L.

194. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least 25 violations of the 2022 Chelsea Permit's daily maximum effluent limits for copper and zinc, as described in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
195.	Copper, total (as Cu)	3/31/2025	001	5.8 µg/L	14.9 µg/L	257%
196.	Zinc, total (as Zn)	3/31/2025	001	95.1 µg/L	109 µg/L	115%
197.	Copper, total (as Cu)	1/31/2025	001	5.8 µg/L	10.6 µg/L	183%

198.	Zinc, total (as Zn)	1/31/2025	001	95.1 µg/L	98.6 µg/L	104%
199.	Copper, total (as Cu)	10/31/2024	001	5.8 µg/L	9.22 µg/L	159%
200.	Copper, total (as Cu)	7/31/2024	001	5.8 µg/L	7.31 µg/L	126%
201.	Copper, total (as Cu)	5/31/2024	001	5.8 µg/L	13.27 µg/L	229%
202.	Zinc, total (as Zn)	5/31/2024	001	95.1 µg/L	95.5 µg/L	100%
203.	Zinc, total (as Zn)	4/30/2024	001	95.1 µg/L	98.7 µg/L	104%
204.	Copper, total (as Cu)	3/31/2024	001	5.8 µg/L	5.97 µg/L	103%
205.	Copper, total (as Cu)	2/29/2024	001	5.8 µg/L	18.1 µg/L	312%
206.	Zinc, total (as Zn)	2/29/2024	001	95.1 µg/L	186 µg/L	196%
207.	Zinc, total (as Zn)	1/31/2024	001	95.1 µg/L	98.5 µg/L	104%
208.	Copper, total (as Cu)	12/31/2023	001	5.8 µg/L	7.12 µg/L	123%
209.	Copper, total (as Cu)	11/30/2023	001	5.8 µg/L	9.01 µg/L	155%
210.	Copper, total (as Cu)	10/31/2023	001	5.8 µg/L	9.94 µg/L	171%
211.	Copper, total (as Cu)	9/30/2023	001	5.8 µg/L	42.6 µg/L	734%
212.	Zinc, total (as Zn)	9/30/2023	001	95.1 µg/L	121 µg/L	127%
213.	Copper, total (as Cu)	8/31/2023	001	5.8 µg/L	7.71 µg/L	133%
214.	Copper, total (as Cu)	7/31/2023	001	5.8 µg/L	6.1 µg/L	105%
215.	Copper, total (as Cu)	6/30/2023	001	5.8 µg/L	9.76 µg/L	168%
216.	Copper, total (as Cu)	5/31/2023	001	5.8 µg/L	5.88 µg/L	101%
217.	Copper, total (as Cu)	3/31/2023	001	5.8 µg/L	7.6 µg/L	131%
218.	Copper, total (as Cu)	2/28/2023	001	5.8 µg/L	11 µg/L	190%
219.	Copper, total (as Cu)	1/31/2023	001	5.8 µg/L	7 µg/L	121%

220. Since 2022, Global Companies' monitoring data for the Global Revere Terminal has revealed at least 16 violations of the 2022 Revere Permit's daily maximum effluent limits for copper, zinc, and iron, as described in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
221.	Copper, total (as Cu)	9/30/2024	002	5.8 µg/L	9.57 µg/L	165%
222.	Zinc, total (as Zn)	9/30/2024	002	95.1 µg/L	139 µg/L	146%
223.	Copper, total (as Cu)	3/31/2024	002	5.8 µg/L	15.4 µg/L	266%
224.	Zinc, total (as Zn)	3/31/2024	002	95.1 µg/L	153 µg/L	161%
225.	Copper, total (as Cu)	1/31/2024	002	5.8 µg/L	6.85 µg/L	118%
226.	Zinc, total (as Zn)	1/31/2024	002	95.1 µg/L	107 µg/L	113%
227.	Copper, total (as Cu)	11/30/2023	002	5.8 µg/L	7.04 µg/L	121%

228.	Copper, total (as Cu)	9/30/2023	002	5.8 µg/L	6.21 µg/L	107%
229.	Copper, total (as Cu)	7/31/2023	001	5.8 µg/L	5.66 µg/L	98%
230.	Copper, total (as Cu)	6/30/2023	002	5.8 µg/L	6.69 µg/L	115%
231.	Copper, total (as Cu)	4/30/2023	001	5.8 µg/L	6.02 µg/L	104%
232.	Iron, total (as Fe)	4/30/2023	003	300 µg/L	857 µg/L	286%
233.	Copper, total (as Cu)	3/31/2023	001	5.8 µg/L	8 µg/L	138%
234.	Copper, total (as Cu)	3/31/2023	002	5.8 µg/L	6.8 µg/L	117%
235.	Copper, total (as Cu)	2/28/2023	002	5.8 µg/L	7.5 µg/L	129%
236.	Copper, total (as Cu)	12/31/2022	001	5.8 µg/L	6.2 µg/L	107%

*Defendants' violations of the Permits' numeric effluent limitations for ammonia, benzene, chlorine, pH, total petroleum hydrocarbons ("TPHs"), and TSS*

237. Global discharges ammonia, benzene, chlorine, acidic effluent, total petroleum hydrocarbons ("TPHs"), and TSS from the Chelsea Sandwich Terminal into the Chelsea River.

238. On July 9, 2024, Global Companies was discharging ammonia, benzene, chlorine, acidic effluent, TPHs, and TSS from the Global Revere Terminal into the Chelsea River.

239. The 2022 Permits include a daily maximum effluent limit of 1.8 mg/L for ammonia.

240. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least two violations of the 2022 Chelsea Permit's daily maximum limit for ammonia, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
241.	Nitrogen, ammonia total (as N)	10/31/2023	001	1.8 mg/L	5.27 mg/L	293%
242.	Nitrogen, ammonia total (as N)	9/30/2023	001	1.8 mg/L	2.08 mg/L	116%

243. Since 2024, Global Companies' monitoring data for the Global Revere Terminal has revealed at least one violation of the 2022 Revere Permit's daily maximum limit for ammonia, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
244.	Nitrogen, ammonia total (as N)	10/31/2024	002	1.8 mg/L	7.3 mg/L	405%

245. The 2022 Revere Permit and the 2014 Global Petroleum Permit include a daily maximum effluent limit of 5 µg/L for benzene.

246. Since 2019, Global Companies' monitoring data for the Global Revere Terminal has revealed at least five violations of the daily maximum limit for benzene in the 2022 Revere Permit and the 2014 Global Petroleum Permit.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
247.	Benzene	1/31/2023	002	5 µg/L	5.04 µg/L	101%
248.	Benzene	1/31/2022	002	5 µg/L	6.6 µg/L	132%
249.	Benzene	12/31/2019	002	5 µg/L	8.32 µg/L	166%
250.	Benzene	12/31/2019	002	5 µg/L	7.7 µg/L	154%
251.	Benzene	6/30/2019	002	5 µg/L	6 µg/L	120%

252. The 2022 Permits include a daily maximum effluent limit of 13 µg/L for chlorine.

253. Since 2024, Global's monitoring data for the Chelsea Sandwich Terminal has revealed one violation of the 2022 Chelsea Permit's daily maximum effluent limits for chlorine, as described in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
254.	Chlorine	9/30/2024	001	13 µg/L	203 µg/L	677%

255. Since 2022, Global Companies' monitoring data for the Global Revere Terminal has revealed at least four violations of the 2022 Revere Permit's daily maximum limit for chlorine.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
256.	Chlorine	9/30/2024	002	13 µg/L	208 µg/L	1,600%
257.	Chlorine	11/30/2023	002	13 µg/L	325 µg/L	2,500%
258.	Chlorine	9/30/2023	002	13 µg/L	242 µg/L	1,862%
259.	Chlorine	7/31/2023	001	13 µg/L	70 µg/L	538%

260. The 2022 Permits include a minimum pH limit of 6.5 S.U.

261. Since 2023, Global's monitoring data for the Chelsea Sandwich Terminal has revealed at least one violation of the 2022 Chelsea Permit's minimum pH limit.

<u>Par. No.</u>	<u>Pollutant Criteria</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Minimum</u>	<u>Measured Value</u>
262.	pH	1/31/2023	001	6.5 S.U.	6.42 S.U.

263. The NPDES Permits include a daily maximum effluent limit of 5 mg/L for total petroleum hydrocarbons ("TPHs").

264. Since 2021, Global Companies' monitoring data for the Global Revere Terminal pursuant to the 2014 Global Petroleum Permit has revealed at least two violations of the daily maximum limit for TPHs, as detailed in the below table.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Percent Exceed.</u>
265.	Hydrocarbons, total petroleum (TPH)	7/31/2021	003	5 mg/L	5.3 mg/L	106%
266.	Hydrocarbons, total petroleum (TPH)	2/28/2021	003	5 mg/L	42.6 mg/L	852%

267. The NPDES Permits include the following effluent limits for TSS: a daily maximum limit of 100 mg/L and monthly average limit of 30 mg/L.

268. Since 2023, Global's monitoring data has revealed at least two violations of TSS limits at the Chelsea Sandwich Terminal.



<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Type of Limit</u>	<u>Percent Exceed.</u>
269.	TSS	10/31/2023	001	30 mg/L	75 mg/L	Monthly Average	171%
270.	TSS	10/31/2023	001	30 mg/L	110 mg/L	Monthly Average	250%

271. Since 2020, Global Companies' monitoring data has revealed at least five violations of TSS limits at the Global Revere Terminal.

<u>Par. No.</u>	<u>Pollutant</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Permit Limit</u>	<u>Measured Value</u>	<u>Type of Limit</u>	<u>Percent Exceed.</u>
272.	TSS	10/31/2023	002	30 mg/L	170.8 mg/L	Monthly Average	569%
273.	TSS	10/31/2023	002	100 mg/L	500 mg/L	Daily Maximum	500%
274.	TSS	3/31/2022	002	30 mg/L	55 mg/L	Monthly Average	183%
275.	TSS	7/31/2021	002	30 mg/L	51.9 mg/L	Monthly Average	173%
276.	TSS	1/31/2020	002	30 mg/L	37.75 mg/L	Monthly Average	126%

#### Defendants' Violations of the NPDES Permits' Narrative Effluent Limitations

*The NPDES Permits' narrative effluent limitations relating to the Terminals' control measures*

277. The Permits require that Global comply with narrative effluent limitations relating to its control measures, Best Management Practices ("BMPs"), and Stormwater Pollution Prevention Plan ("SWPPP"). 2022 Chelsea Sandwich Permit at 17–22; 2014 Chelsea Sandwich Permit at 17–22; 2022 Revere Permit at 29–34; 2014 Global South Permit at 16-21; 2014 Global Petroleum Permit at 20–22.

278. Under the 2022 Permits, Global must "design, install, and implement control measures to minimize pollutants discharged from stormwater associated with the Facility operations to the

receiving water.” 2022 Chelsea Sandwich Permit at 17; 2022 Revere Permit at 29.

279. Under the 2014 Permits, “[c]ontrol measures (including BMPs) shall be selected, designed, installed, and implemented at the Terminal to minimize the discharge of pollutants in stormwater to waters of the United States.” 2014 Chelsea Sandwich Permit at 17; 2014 Global South Permit at 16–17; 2014 Global Petroleum Permit at 20–21.

280. Under the 2022 Permits, “The control measures must ensure the following non-numeric effluent limitations are met” including, “minimize exposure,” “good housekeeping,” “preventative maintenance,” “spill prevention and response,” “erosion and sediment controls,” and “runoff management.” 2022 Chelsea Sandwich Permit at 17; 2022 Revere Permit at 29.

281. Under the 2014 Permits, “BMPs must be selected and implemented to satisfy the following non-numeric technology based effluent limitations” including, “minimization of exposure,” “good housekeeping,” “preventative maintenance,” “spill prevention and response,” “erosion and sediment controls,” and “runoff and run-on management.” 2014 Chelsea Sandwich Permit at 17–18; 2014 Global South Permit at 16–17; 2014 Global Petroleum Permit at 20–21.

282. The 2022 Permits also require that Global (1) “design and implement response procedures for ethanol, materials that are used for spill and fire control (e.g. aqueous film-forming foam),” and (2) “implement structural improvements, enhanced/resilient pollution prevention measures, and/or other mitigation measures to minimize discharges that result from impacts of major storm and flood events.” 2022 Chelsea Permit at 18–19; 2022 Revere Permit at 30–31.

283. Under the 2022 Permits, Global “shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that documents the selection, design and installation of control

measures, including BMPs designed to meet the effluent limitations required in this permit to minimize the discharge of pollutants from the Facility's operations to the receiving water." 2022 Chelsea Permit at 21; 2022 Revere Permit at 33.

284. Under the 2014 Permits, Global "shall develop, implement and maintain a SWPPP designed to reduce or prevent the discharge of pollutants to waters of the United States." 2014 Chelsea Sandwich Permit at 20; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

*Global's discharges in violations of the NPDES Permits' narrative effluent limitations relating to the Terminals' control measures*

285. Global's violations of the Permits' numeric effluent limits as enumerated above demonstrate that Global has failed to comply with narrative effluent limitations related to the selection, design, installation, and/or implementation of control measures, including through its BMPs and SWPPP.

286. Upon information and belief, Global has failed to comply both with the Permits' narrative effluent limitations pertaining to control measures and with the inspection, corrective action, control measures, and SWPPP requirements in the 2021 MSGP.

*The NPDES Permits' corrective action requirements*

287. Global is required to take corrective action following conditions including: (1) "an unauthorized release or discharge" and (2) a "discharge [that] violates...a numeric effluent limit." 2022 Chelsea Permit at 18; 2014 Chelsea Permit at 20; 2022 Revere Permit at 30; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

288. The 2022 Permits require corrective action when "stormwater control measures are not

stringent enough to control stormwater discharges as necessary such that the receiving water will meet applicable water quality standards and/or the non-numeric limits.” 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

289. Required corrective actions in the 2014 Permits include “selection, design, installation, and implementation of control measures (including BMPs).” 2014 Chelsea Permit at 20; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

290. Required corrective actions in the 2022 Permits require Global to “review and revise, as appropriate, the SWPPP so that the permit’s effluent limits are met and pollutant discharges are minimized.” 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

291. The 2022 Permits require Global to “comply with the inspection requirements in Parts 3.1 and 3.2 of the 2021 MSGP, the corrective action requirements in Part 5.1 of the 2021 MSGP, and the corrective action documentation requirements in Part 5.3 of the 2021 MSGP.” 2022 Chelsea Permit at 18; 2022 Revere Permit at 30.

*Global’s violations of the NPDES Permits’ corrective action requirements*

292. Upon information and belief, Global has failed to take required corrective action following its violations of the Permits’ numeric effluent limits and following violations of the Massachusetts water quality standards and the Permits’ non-numeric effluent limits. Upon information and belief, Global will continue to fail to take required corrective action.

293. Based on public records retrieved from U.S. EPA through a FOIA request, Global has not reviewed and revised its control measures, its BMPs, or its SWPPPs as required to meet the Permits’ effluent limits and minimize the discharge of pollutants.

Global's Monitoring and Reporting Violations

*Global's violations of the Permits' monthly, quarterly, and annual monitoring and reporting requirements.*

294. The Permits require that Defendants monitor the Terminals' effluent and receiving water by collecting and analyzing grab samples pursuant to specified frequencies and timings. 2022 Chelsea Permit at 2–7, 11–12; 2014 Chelsea Permit at 2-6, 11; 2022 Revere Permit at 2–7, 12–17, 22–24; 2014 Global Petroleum Permit at 2–6, 11, 14; 2014 Global South Permit at 2–7.

295. The Permits require that Defendants submit its monitoring data as Discharge Monitoring Reports to U.S. EPA on a monthly basis, no later than the 15<sup>th</sup> day of the month following the completed reporting period. 2022 Chelsea Permit at 27; 2014 Chelsea Permit at 23; 2022 Revere Permit at 39; 2014 Global Petroleum Permit at 27; 2014 Global South Permit at 23.

296. Global have failed, are failing, and will continue to fail to conduct, analyze, and report required effluent, receiving water, Whole Effluent Toxicity, and other monitoring pursuant to the NPDES Permits.

297. Global failed to collect, analyze, and/or report at least 14 required effluent grab samples for the Chelsea Sandwich Terminal for the pollutants, dates, and outfalls specified in the below table.

298. Global's failure to collect, analyze, and/or report the below 14 required effluent grab samples for the Chelsea Sandwich Terminal due to "laboratory error or invalid test" violates the reporting requirements in the 2022 Chelsea Permit. 2022 Chelsea Permit at 3-4.

<u>Par. No.</u>	<u>Pollutant Criteria</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Type of Limit</u>	<u>NODI Code</u>
299.	Benzo(a)anthracene	2/28/2023	001	Monthly Average	NODI: P <sup>4</sup>
300.	Benzo(a)anthracene	2/28/2023	001	Daily Max	NODI: P
301.	Benzo(a)pyrene	2/28/2023	001	Monthly Average	NODI: P
302.	Benzo(a)pyrene	2/28/2023	001	Daily Max	NODI: P
303.	Benzo(b)fluoranthene	2/28/2023	001	Monthly Average	NODI: P
304.	Benzo(b)fluoranthene	2/28/2023	001	Daily Max	NODI: P
305.	Benzo(k)fluoranthene	2/28/2023	001	Monthly Average	NODI: P
306.	Benzo(k)fluoranthene	2/28/2023	001	Daily Max	NODI: P
307.	Chrysene	2/28/2023	001	Monthly Average	NODI: P
308.	Chrysene	2/28/2023	001	Daily Max	NODI: P
309.	Dibenzo(a,h)-anthracene	2/28/2023	001	Monthly Average	NODI: P
310.	Dibenzo(a,h)-anthracene	2/28/2023	001	Daily Max	NODI: P
311.	Indeno(1,2,3-cd)pyrene	2/28/2023	001	Monthly Average	NODI: P
312.	Indeno(1,2,3-cd)pyrene	2/28/2023	001	Daily Max	NODI: P

313. Upon information and belief, Global Companies failed to collect, analyze, and/or report at least 12 required grab samples at the Global Revere Terminal for the pollutants, dates, and outfalls specified in the below table due to “laboratory error or invalid test” in violation of the reporting requirements in the 2022 Revere Permit. 2022 Revere Permit at 3.

314. Global submitted NODI code “P: Laboratory Error or Invalid Test” for the February 2023 monitoring period at the Chelsea Terminal and for the June 2023 monitoring period at the Global Revere Terminal.

315. Upon information and belief, following receipt of the laboratory error or invalid test results, Global did not retake the sample for the February 2023 monitoring period at the Chelsea

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<sup>4</sup> The description of no data indicator code (NODI): P is Laboratory Error or Invalid Test.

Terminal or for the June 2023 monitoring period at the Global Revere Terminal.

<u>Par. No.</u>	<u>Pollutant Criteria</u>	<u>Monitoring Period End Date</u>	<u>Outfall</u>	<u>Type of Limit</u>	<u>NODI Code</u>
316.	Benzo(a)anthracene	6/30/2023	001	Monthly Average	NODI: P
317.	Benzo(a)anthracene	6/30/2023	001	Daily Max	NODI: P
318.	Benzo(a)pyrene	6/30/2023	001	Monthly Average	NODI: P
319.	Benzo(a)pyrene	6/30/2023	001	Daily Max	NODI: P
320.	Benzo(b)fluoranthene	6/30/2023	001	Monthly Average	NODI: P
321.	Benzo(b)fluoranthene	6/30/2023	001	Daily Max	NODI: P
322.	Benzo(k)fluoranthene	6/30/2023	001	Monthly Average	NODI: P
323.	Benzo(k)fluoranthene	6/30/2023	001	Daily Max	NODI: P
324.	Dibenzo(a,h)-anthracene	6/30/2023	001	Monthly Average	NODI: P
325.	Dibenzo(a,h)-anthracene	6/30/2023	001	Daily Max	NODI: P
326.	Indeno(1,2,3-cd)pyrene	6/30/2023	001	Monthly Average	NODI: P
327.	Indeno(1,2,3-cd)pyrene	6/30/2023	001	Daily Max	NODI: P

328. The 2014 Global Petroleum Permit required Global Companies to conduct an annual pollutant scan of the receiving water for 20 different petrochemicals (including PAHs, benzene, toluene, and xylene) each year in April (beginning in April 2018) concurrently with the monthly monitoring event. 2014 Global Petroleum Permit at 4-5, 9 fn 13.

329. In 2019, Global Companies failed to submit monitoring data on their DMRs for the required annual April pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit.

330. On Global Companies' self-reported DMRs for the required annual April pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit, all four quarters in 2019 list the no data indicator (NODI) code F (Insufficient Flow for Sampling).

331. In 2020, Global Companies' self-reported DMRs for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit include the value of "0" for the first, second, and third quarters for all pollutants except for fluoranthene. All pollutants except benzene, ethylbenzene, toluene, and xylene have a non-zero value for the fourth quarter of 2020.

332. In 2021, Global Companies' self-reported DMRs for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit include the value of "0" for all four quarters for all 20 pollutants.

333. In 2022, Global Companies' self-reported DMRs include the value of "0" for the second and third quarters for all pollutants for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit. All pollutants except benzene, ethylbenzene, toluene, and xylene have a non-zero value for the first quarter of 2022.

334. Defendants submitted a Special Report to U.S. EPA in the fourth quarter of 2022, stating that their "[d]ata meets . . . the majority of sampling requirements for the former MA000345 permit. The exception is that a polycyclic aromatic hydrocarbon (PAH) analysis was not performed on the receiving water body (Chelsea Creek)."

335. Upon information and belief, Global Companies entered "0" instead of the appropriate NODI code to reflect the absence of a measured value on their self-reported DMRs for the pollutant scan of the receiving water pursuant to the 2014 Global Petroleum Permit.

336. Upon information and belief, Global Companies failed to take the annual pollutant scan of the receiving water as required by the 2014 Global Petroleum Permit at 4-5, 9 fn 13 in 2019 and 2021, and in April 2020 and April 2022.

337. The 2022 Revere Permit required Global Companies to conduct an annual pollutant scan



of the receiving water for 29 different petrochemicals (including PAHs, benzene, toluene, and xylene) each year in April (beginning in April 2023) concurrently with the monthly monitoring event. 2022 Revere Permit at 5-7.

338. In 2024, Global Companies failed to take the annual April pollutant scan of the receiving water as required by the 2022 Revere Permit at 5-7.

339. Global Companies' failure to conduct required annual pollutant scan monitoring in 2021 and 2024, and in April 2020 and 2022 violates the 2014 Global Petroleum Permit and the 2022 Revere Permit.

340. Global Companies failed to collect, analyze, and/or report at least 480 required effluent grab samples for the Global Revere Terminal from Outfall 001 for 23 parameters listed in the 2022 Revere Permit at 2-4 (including PAHs, benzene, ammonia, chlorine, heavy metals, oil and grease, flow, and turbidity) during the following monthly monitoring periods: June 2023 and every month from September 2023 to October 2024.

341. Global Companies failed to collect, analyze, and/or report at least four required effluent grab samples for the Global Revere Terminal from Outfall 001 for methyl tert-butyl ether during the following quarterly monitoring periods: December 2023, March 2024, June 2024, and September 2024. 2022 Revere Permit at 4.

342. Global Companies failed to collect, analyze, and/or report at least one required effluent grab sample for the Global Revere Terminal from Outfall 002 for Total Organic Carbon during the April 2024 annual monitoring period. 2022 Revere Permit at 15. Global Companies instead entered NODI Code: E "Analysis Not Conducted/No Sample."

343. Global Companies failed to collect, analyze, and/or report at least 75 required effluent

grab samples for the Global Revere Terminal from Outfall 003 for 25 parameters listed in the 2022 Revere Permit at 22-24 (including PAHs, benzene, TSS, cyanide, heavy metals, and oil and grease) during the following monthly monitoring periods: February and May 2023, and July 2024.

344. Global Companies failed to collect, analyze, and/or report at least 96 required effluent grab samples for the Global Revere Terminal from Outfall 001 for eight parameters listed in the 2014 Global Petroleum Permit at 2 (including PAHs, benzene, naphthalene, and oil and grease) during the following monthly monitoring periods: every month from May to December 2019.

345. Global Companies failed to collect, analyze, and/or report at least 87 required effluent grab samples for the Global Revere Terminal from Outfall 001 for 27 parameters listed in the 2014 Global Petroleum Permit at 3-4 (including ethanol, methyl tert-butyl ether, benzene, and chromium) during the following quarterly monitoring periods: every quarter from June to December 2019.

346. Global Companies failed to collect, analyze, and/or report at least 28 required effluent grab samples for the Global Revere Terminal from Outfall 003 for 10 parameters listed in the 2014 Global Petroleum Permit at 14 (including PAHs, benzene, TSS, cyanide, heavy metals, and oil and grease) following monthly monitoring periods: August 2022 and May 2019.

347. Global Companies failed to conduct four required LC50 Whole Effluent Toxicity tests for the Global Revere Terminal pursuant to the 2014 Global Petroleum Permit at 5 during the September 2019 monthly monitoring period, and pursuant to the 2014 Global South Permit at 4 during the September 2022 monthly monitoring period.

348. Global Companies failed to conduct 12 Whole Effluent Toxicity tests for 12 parameters

listed in the 2014 Global Petroleum Permit at 5-6 for the Global Revere Terminal during the September 2019 monthly monitoring period.

349. Global Companies failed to collect, analyze, and/or report at least 14 required effluent grab samples for the Global Revere Terminal from Outfall 001 for nine parameters listed in the 2014 Global South Permit at 2 (including benzene, TSS, and oil and grease) during the September 2022 monitoring period.

350. Global Companies failed to conduct 12 Whole Effluent Toxicity tests for 12 parameters listed in the 2014 Global South Permit at 5-6 for the Global Revere Terminal during the September 2019 monthly monitoring period.

351. Global Companies failed to conduct 26 Whole Effluent Toxicity tests at Outfall 001 for the Global Revere Terminal for 14 parameters listed in the 2014 Global South Permit at 5-7 during the September 2022 monthly monitoring period.

352. Global Companies submitted the no data indicator (NODI) codes “C: No Discharge” or “F: Insufficient Flow for Sampling” rather than conduct, analyze, and report the required monitoring, as described in Paragraphs 85-100 above. All of the required monitoring listed in Paragraphs 85-100 is of the receiving water or of effluent that includes stormwater. All of the monitoring periods listed in Paragraphs 85-100 experienced precipitation events of more than 0.1 inches, as confirmed by historical weather data.

353. Global Companies did not revise the SWPPPs for the Global Revere Terminal to indicate that stormwater had been or was being rerouted to bypass one of the outfalls.

354. Defendants’ failure to use the appropriate NODI Codes on their self-reported DMRs, as described in Paragraphs 336-342 above, violates the NPDES Permits.

355. Global's failure to conduct, analyze, and report required monitoring, as described Paragraphs 330-33 and 335-43 above, violates the reporting requirements of the 2022 Revere Permit, the 2014 Global Petroleum Permit, and the 2014 Global South Permit.

356. At the Global Revere Terminal, Global has failed to collect, analyze, and/or report quarterly monitoring data for pollutants including acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene in the discharge for Outfall 002 from December 1, 2022 to at least October 2024.

357. At the Global Revere Terminal, Global has failed to collect, analyze, and/or report quarterly monitoring data for pollutants including acenaphthene, acenaphthylene, anthracene, benzo(g,h,i)perylene, fluoranthene, fluorene, phenanthrene, and pyrene for Outfall 003 from December 1, 2022 to at least October 2024.

*Global's violations of the Permits' pollutant analysis and sampling methodology requirements.*

358. The Permits include requirements for the methodologies used to sample and analyze the pollutants in its effluent and in the receiving water. 2022 Chelsea Permit at 7; 2014 Chelsea Permit at 12; 2022 Revere Permit at 7; 2014 Global South Permit at 7; 2014 Global Petroleum Permit at 7.

359. The Permits require that all samples shall be grab samples "taken within 15 minutes of the initiation of a discharge...where practicable, but in no case later than within the first hour of discharge from the outfall." 2022 Chelsea Permit at 7; 2014 Chelsea Permit at 7; 2022 Revere Permit at 7; 2014 Global South Permit at 7; 2014 Global Petroleum Permit at 7.

360. Global violated these requirements, including by failing to collect grab samples within the first hour of discharge from the outfall, at least once at the Global Revere Terminal.

*Global's violations of the annual SWPPP certification requirements.*

361. The 2022 Chelsea Permit and the 2022 Revere Permit require that Global “certify at least annually that the previous year’s inspections, corrective actions, control measures, and training activities were conducted, results were recorded, and records were maintained, as described in the SWPPP” (the “SWPPP Certifications”). 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

362. SWPPP “Certifications must be submitted by January 15th of the following calendar year.” 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

363. Based on public records retrieved from U.S. EPA through a FOIA request, Global failed to submit required annual SWPPP certifications at least once for the Chelsea Sandwich Terminal.

364. Global submitted annual 2022 SWPPP certifications late for both Terminals.

365. The SWPPP certifications are due on January 15 of the following calendar year. 2022 Chelsea Permit at 22; 2022 Revere Permit at 34.

366. Global submitted the 2022 SWPPP certification for the Chelsea Sandwich Terminal on February 13, 2023 and the 2022 SWPPP certification for the Global Revere Terminal on February 28, 2023.

*Global's violations of the bioassessment summary reporting requirements.*

367. The 2022 NPDES Permits require that Defendants submit a bioassessment summary report. The bioassessment summary report was due on April 30, 2024.<sup>5</sup> 2022 Chelsea Permit at

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<sup>5</sup> Data collection activities were to take place “quarterly for one year starting 90 days following the effective date of the permit.” The 2022 Permits took effect on December 1, 2022. Data collection activities were to begin March 1, 2023 and take place over the following year through February 29, 2024. The bioassessment summary report was due within 60 days of the first permit year’s data collection.

24-27; 2022 Revere Permit at 36-39. Global's consultant requested an extension of the bioassessment summary report deadline to May 31, 2024.

368. Global submitted its bioassessment summary report to U.S. EPA in July 2024.

369. Defendants' failure to submit the required bioassessment summary report by the deadline violates the 2022 NPDES Permits' reporting requirements.

### **THE TERMINALS' HARMS TO CLF'S MEMBERS**

370. CLF's members use the Chelsea River for sailing, kayaking, aesthetic enjoyment, educating students, birdwatching, and observing wildlife.

371. CLF's members cherish the Chelsea River as a place of natural importance, aesthetic beauty, and personal significance.

372. CLF's members enjoy sharing the natural, recreational, and aesthetic values of the Chelsea River with family, friends, and students.

373. The Terminals' discharges of pollutants into the Chelsea River have degraded the health of the River and contributed to its impairments in a way that diminishes the use and enjoyment of the Chelsea River by CLF's members.

374. CLF's members are concerned with the health impacts of being exposed to PAHs, heavy metals, and other pollutants from direct contact with waters near the Terminals while kayaking and wading in Chelsea River.

375. CLF's members are concerned with the health impacts of fishing and/or consuming fish due to PAHs and heavy metal pollution in waters downstream from the Terminals.

376. CLF's members worry about the negative impact of PAHs, heavy metals, and other pollutants on their ability to enjoy birdwatching, observing wildlife, and leading school groups

on the Chelsea River. CLF members have observed a decrease in local animal species and bird populations—including the absence of certain water-dependent species present in similar nearby waterbodies. CLF members attribute the damage to Chelsea River’s bird and wildlife population to pollution in Chelsea River from Defendants’ Terminals.

377. CLF’s members who enjoy walking on the banks of the Chelsea River and have observed oil sheen in Chelsea River and foam on the banks of the River from Global’s discharges have suffered aesthetic harms.

378. The presence of odor, unnatural color, scum, foam, and diminished water clarity adversely affect the aesthetic enjoyment of the Chelsea River by CLF’s members.

379. CLF’s members are harmed by discharge of PAHs, heavy metals, ammonia, chlorine, TSS, and other pollutants to the Chelsea River from Defendants’ Terminals. Global’s discharges impair the recreational and aesthetic uses of the Chelsea River by harming fish and other aquatic life, contributing to oil sheen and/or odor, increasing toxic pollution, and reducing the enjoyment of CLF’s members.

### **CLAIMS FOR RELIEF**

#### **Count I: Numeric Effluent Violations**

380. Paragraphs 1 through 379 are incorporated by reference as if fully set forth herein.

381. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit’s effluent limitations for PAHs at least 37 times as referenced in Paragraphs 112-55 above.

382. Since at least 2022, Defendant Global Companies has discharged effluent in violation of the 2022 Revere Permit’s effluent limitations for PAHs at least 32 times as referenced in

Paragraphs 112-17, 156-88 above.

383. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for heavy metals, including copper, iron, and zinc, at least 25 times at the Chelsea Sandwich Terminal as referenced in Paragraphs 189-219 above.

384. Since at least 2022, Defendant Global Companies has discharged effluent in violation of the 2022 Revere Permit's effluent limitations for heavy metals, including copper, iron, and zinc, at least 16 times at the Global Revere Terminal as referenced in Paragraphs 190-93, 220-36 above.

385. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for ammonia at least twice at the Chelsea Sandwich Terminal as referenced in Paragraphs 237-42 above.

386. Since at least 2024, Defendants have discharged effluent in violation of the 2022 Revere Permit's effluent limitations for ammonia at least once at the Global Revere Terminal as referenced in Paragraphs 238-39, 243-44 above.

387. Since at least 2019, Defendants have discharged effluent in violation of the effluent limitations for benzene in the 2022 Revere Permit and the 2014 Global Petroleum Permit at least five times at the Global Revere Terminal as referenced in Paragraphs 245-51 above.

388. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitation for chlorine at least once at the Chelsea Sandwich Terminal as referenced in Paragraphs 252-54 above.

389. Since at least 2022, Defendant Global Companies has discharged effluent in violation of the 2022 Revere Permit's effluent limitations for chlorine at least four times at the Global Revere



Terminal as referenced in Paragraphs 252, 255-59 above.

390. Since at least 2022, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for pH at least once at the Chelsea Sandwich Terminal as referenced in Paragraphs 260-62 above.

391. Since at least 2019, Defendant Global Companies has discharged effluent in violation of the 2014 Global Revere Permit's effluent limitations for TPH at least twice at the Global Revere Terminal as referenced in Paragraphs 263-66 above.

392. Since at least 2023, Defendants have discharged effluent in violation of the 2022 Chelsea Permit's effluent limitations for TSS at least twice at the Chelsea Sandwich Terminal as referenced in Paragraphs 267-70 above.

393. Since at least 2023, Defendant Global Companies has discharged effluent in violation of the 2022 Revere Permit's effluent limitations for TSS at least five times at the Global Revere Terminals as referenced in Paragraphs 267, 271-76 above.

394. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the NPDES Permits' effluent limitations in the future unless enjoined from doing so.

395. Each day that Defendants have violated or continue to violate the NPDES Permits' effluent limitations is a separate and distinct violation of the Permits and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

#### Count II: Violations of the NPDES Permits' Narrative Effluent Limitations

396. Paragraphs 1 through 379 are incorporated by reference as if fully set forth herein.

397. Defendants have violated and continue to violate the narrative effluent limitations in the

NPDES Permits relating to control measures, BMPs, and SWPPPs. 2022 Chelsea Sandwich Permit at 17–22; 2014 Chelsea Sandwich Permit at 17-22; 2022 Revere Permit at 29-34; 2014 Global South Permit at 16-21; 2014 Global Petroleum Permit at 20-22.

398. Defendants have violated and continue to violate the narrative effluent limitations in the NPDES Permits relating to corrective actions and SWPPP revisions. 2022 Chelsea Permit at 18; 2014 Chelsea Permit at 20; 2022 Revere Permit at 30; 2014 Global South Permit at 19; 2014 Global Petroleum Permit at 23.

399. In light of Defendants’ history of violations, and their failure to take corrective action, Defendants will continue to violate the Permits’ narrative effluent limitations in the future unless enjoined from doing so.

400. Each day that Defendants have violated or continue to violate the Permits’ narrative effluent limitations is a separate and distinct violation of the Permits and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### Count III: Monitoring and Reporting Violations

401. Paragraphs 1 through 379 are incorporated by reference as if fully set forth herein.

402. The NPDES Permits require that Defendants monitor, analyze, and submit monitoring data pertaining to the Terminals’ effluent and receiving water. 2022 Chelsea Permit at 2-7, 11-12, 27; 2014 Chelsea Permit at 2-6, 11, 23; 2022 Revere Permit at 2-7, 12-17, 22-24, 39; 2014 Global Petroleum Permit at 2-6, 11, 14, 27; 2014 Global South Permit at 2-7, 23.

403. Defendants have failed to conduct, analyze, and submit required monitoring at the Chelsea Sandwich Terminal at least 14 times since 2019.

404. Defendant Global Companies has failed to conduct, analyze, and submit required

monitoring at the Global Revere Terminal at least 951 times since 2019.

405. Defendants have failed to use the appropriate NODI Codes on their self-reported DMRs in violation of their NPDES Permits.

406. Defendants have failed to use methodologies and procedures required by the NPDES Permits for collecting grab samples, including by failing to collect grab samples within the first hour of discharge, at least once at the Global Revere Terminal.

407. Defendants failed to submit the annual SWPPP certifications required by the NPDES Permits at least once for the Chelsea Sandwich Terminal.

408. Defendants submitted late annual SWPPP certifications required by the NPDES Permits at least once for the Chelsea Sandwich Terminal and at least once for the Global Revere Terminal.

409. Defendants have failed to timely submit the bioassessment summary report required by the NPDES Permits.

410. In light of Defendants' history of violations, and their failure to take corrective action, Defendants will continue to violate the NPDES Permits' monitoring and reporting requirements in the future unless enjoined from doing so.

411. Each day that Defendants have violated or continue to violate the Permit's monitoring and reporting requirements is a separate and distinct violation of the Permit and Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### **RELIEF REQUESTED**

Plaintiff respectfully requests that this Court grant the following relief:

- a. Issue a declaratory judgment, pursuant to 28 U.S.C. § 2201, that Defendants have

violated and remain in violation of the Permit, Section 301(a) of the Clean Water Act, 33 U.S.C § 1311(a), and applicable regulations, as alleged in Counts I, II, and III of this Complaint;

b. Enjoin Defendants from violating the requirements of the NPDES Permits, Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), and the applicable Clean Water Act regulations;

c. Impose civil penalties on Defendants as provided under Sections 505(a) and 309(d) of the Clean Water Act, 33 U.S.C. §§ 1365(a) and 1319(d), and its implementing regulations of 40 C.F.R. § 19.4;

d. Award Plaintiff's costs of litigation, including reasonable attorney and expert witness fees, as provided under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(d); and

e. Grant such other relief as this Court may deem appropriate.

Dated: May 15, 2025



/s/ \_\_\_\_\_  
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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2025, the foregoing document was filed through the ECF system, by which means a copy of the filing will be sent electronically to all parties registered with the ECF system.

/s/ Chelsea E. Kendall  
Chelsea E. Kendall